

honorably in the military. On October 11, 1998, Frances succumbed to Alzheimer's Disease. She will be remembered as a stylish, dedicated woman, who always knew how to make a little go a long, long way.

# QUALITY DAY CARE PROTECTION ACT OF 1998

SPEECH OF

**HON. RICK LAZIO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 15, 1998

Mr. LAZIO of New York. Mr. Speaker, I rise today because an increasing number of moms and dads are placing their loved ones in day care. The time is right for me to introduce a new bill, The Quality Day Care Protection Act. This bill has two parts: (1) A misdemeanor for a person who misrepresents intentionally the credentials of the day care provider or the conditions of the care provided and (2) A felony for a person who causes serious physical injury to a child under his care. This bill gives parents the peace of mind knowing that their children are safe and secure while being cared for by responsible, reliable, licensed professional day care professionals.

Last July in Albany, New York, a couple left their three-month old daughter, Julia, in the care of a licensed, in-home day care provider. The provider lied about the number of children for whom she cared on a daily basis. The provider left Julia alone. The baby had been placed in a swing and left unattended. Julia was not supervised for twenty minutes. During that time, Julia threw up her food and choked on her own vomit. She was rushed to a local hospital, placed on life support, and tragically she was diagnosed as brain dead.

The critical fact in this horrible story is that the day care provider lied. She told Julia's parents that she was caring for four children. An official investigation discovered that eight children were receiving care.

I must tell you another tragic story. Last January, three month old Jeremy Fiedelholz was being cared for by a licensed, in-home day care operator. The parents left Jeremy with the professional for two hours. It was a trial run; the parents were deciding if this day care professional was one they could trust. When the Fiedelholz' returned they found Jeremy face down in a crib, in a pool of his own vomit, dead. The state of Florida had licensed this facility to care for six children, but this woman had taken in thirteen children that day. On the day that Jeremy died, while the owner ran errands, all 13 children were left at the mercy of a poorly trained staff person who was not CPR certified. The provider lied to Jeremy's parents.

The circumstances surrounding the deaths of these two infants are frighteningly similar. In both cases, the day care provider misrepresented to parents about how many children would be accepted daily, who would be responsible for caring for the child, and the qualifications of the person who would care for the child. Two children died after the day care professional misrepresentations. In both cases, the only recourse for the parents was in civil court. No federal or state criminal law applied. Under my bill, a crime will be committed if a day care provider intentionally mis-

represents the credentials or the conditions of the day care provider: (1) Credentials licenses or permits that the provider or the staff possesses; (2) Number of children for whom they care; (3) Quality of the day care facilities.

Most states do not have adequate criminal laws in this arena. Critical gaps that would safeguard the basic health and safety standards for child care exist. In many states, there are standards but they are not consistently enforced. For example, many states do not require small, in-home day care providers to apply for a license. Those providers are not inspected. Even when states require in-home providers to be licensed, most of the time there are no inspections.

Today, millions of parents have no choice. They must make ends meet to pay the bills. So, they are forced to place their loved ones in child care while they work. Currently, 77 percent of all women with children under 17 hold a job. Each day, about 13 million children under the age of six spend part of their day in day care. There are six million infants and toddlers who are being cared for by people that parents are hoping they can trust.

Every parent wants to feel secure in knowing their loved ones are receiving quality day care. Quality care means providing a safe and healthy environment where care gives safeguard infants and nurture their development. Quality care means having a minimum number of children for each care giver. The best of all worlds means every child in day care receives as much one-on-one attention as possible. This bill gives moms and dads what they deserve—the peace of mind that goes with knowing their children are safe and secure when in the arms of a day care professional.

The Quality Day Care Protection Act is a fair bill. Prosecutors will be allowed to pursue day care providers that deliberately break the law. Parents will see justice done when their child is seriously injured or dies. I urge my colleagues to support this legislation.

## H.R. 4838, THE HOUSING PRESERVATION MATCHING GRANT OF 1998

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. VENTO. Mr. Speaker, on October 14, 1998, I introduced, H.R. 4838, the Housing Preservation Matching Grant of 1998, which would authorize the Secretary of HUD to make grants to States to supplement State assistance for the preservation of affordable housing for low income families.

I consider this bill advance notice for the agenda of the 106th Congress which should begin in allocating resources to match the efforts of some States in preserving affordable housing units across this nation. During the consideration of the FY 1999 VA, HUD and Independent Agencies Appropriations bill, I attempted to offer an amendment that would expand the notification a tenant receives from 60 days to 12 months that a building's mortgage will be prepaid, ending its lower income affordability. In the end, we succeeded in achieving a five-month notification requirement. A greater victory, however, would be to achieve the long-term preservation of those housing units as affordable housing.

We are facing a dire situation with regard to affordable housing needs in this country. Low-to moderate-income residents receiving housing assistance are on the cusp of a crisis and Congress *must act* to attempt to avert the breakdown and loss of the national public and assisted housing stock. Without preservation, the best of the worst case scenarios is a "vouchering out" of what little affordable housing remains.

Some states are allocating resources to save federally subsidized housing for the future. In my home state of Minnesota, where 10% of the roughly 50,000 units of assisted housing are at risk, \$10 million was appropriated in 1999 for an Affordable Rental Investment Fund to finance the acquisition, rehabilitation and debt restructuring of federally assisted rental property and for making equity take-out loans. This laudable effort, however, is only one state and even there, the resources allocated cannot match the great need for affordable housing, especially for seniors and those with special needs, other states and local governments must step forward with funding to help, Federal housing policy should encourage and facilitate such action.

H.R. 4838 recognizes these kinds of commitments and matches them with two federal dollars for every State dollar. If there is not funding for the federal Low Income Housing Preservation and Resident Homeownership Act (LIHPHA) perhaps this new Housing Preservation Matching Grant can encourage a forestallment of prepayment, which places low-income families at risk of losing their homes. With action and enactment of this bill in the next Congress we could provide a benchmark for states and local communities to work from and with as they produce their own initiatives to avert this pending national crisis in affordable housing.

A section-by-section of H.R. 4838 follows:

### Section 1. Short title

The short title of the Act is the "Housing Preservation Matching Grant Act of 1998".

### Section 2. Findings and purpose

(a) *Findings.*—The Congress finds that—

(1) more than 55,300 affordable housing dwelling units in the United States have been lost through termination of low income affordability requirements, which usually involves the prepayment of the outstanding principal balance under the mortgage on the project in which such units are located;

(2) more than 265,000 affordable housing dwelling units in the United States are currently at risk of prepayment;

(3) the loss of the privately owned, federally assisted affordable housing, which is occurring during a period when rents for unsubsidized housing are increasing and few units of additional affordable housing are being developed, will cause unacceptable harm on current tenants of affordable housing and will precipitate a national crisis in the supply of housing for low-income households;

(4) the demand for affordable housing far exceeds the supply of such housing, as evidenced by studies in 1998 that found that (A) 5,300,000 households (one-seventh of all renters in the Nation) have worst-case housing needs; and (B) the number of families with at least one full-time worker and having worst-case housing needs from 1991 to 1995 by 265,000 (24 percent) to almost 1,400,000;

(5) the shortage of affordable housing in the United States reached a record high in 1995, when the number of low-income households exceeded the number of low-cost rental dwelling units by 4,400,000;

(6) between 1990 and 1995, the shortage of affordable housing in the United States increased by 1,000,000 dwelling units, as the supply of low-cost units decreased by 100,000 and the number of low-income renter households increased by 900,000;

(7) there are nearly 2 low-income renters in the United States for every low-cost rental dwelling unit;

(8) 2 of every 3 low-income renters receive no housing assistance and about 2,000,000 low-income households remain on waiting lists for affordable housing;

(9) the shortage of affordable housing dwelling units results in low-income households that are not able to acquire low-cost rental units paying large proportions of their incomes for rent; and

(10) in 1995, 82 percent of low-income renter households were paying more than 30 percent of their incomes for rent and utilities.

(b) *Purpose.*—It is the purpose of this Act—

(1) to promote the preservation of affordable housing units by providing matching grants to States that have developed and funded programs for the preservation of privately owned housing that is affordable to low-income families and persons and was produced for such purpose with Federal assistance;

(2) to minimize the involuntary displacement of tenants who are currently residing in such housing, many of whom are elderly or disabled persons; and

(3) to continue the partnerships among the Federal Government, State and local governments, and the private sector in operating and assisting housing that is affordable to low-income Americans.

### Section 3. Authority

Provides the Secretary of HUD with the authority to make grants to the States for low-income housing preservation.

### Section 4. Use of Grants

(a) *In general.*—Grants can only be used for assistance for acquisition, preservation incentives, operating cost, and capital expenditures for the housing projects that meet the requirements in (b), (c) or (d) below.

(b) *Projects with HUD-insured mortgages.*—

(1) The project is financed by a loan or mortgage that is—(A) insured or held by the Secretary under 221(d)(3) of the National Housing Act and receiving loan management assistance under Section 8 of the U.S. Housing Act of 1937 due to a conversions for section 101 of the Housing and Urban Development Act of 1965; (B) insured or held by the Secretary and bears interest at a rate determined under 221(d)(5) of the National Housing Act; (c) insured, assisted, or held by the Secretary or a State or State Agency under Section 236 of the National Housing Act; or (D) held by the Secretary and formerly insured under a program referred to in (A), (B) or (C);

(2) the project is subject to an unconditional waiver of, with respect to the mortgage referred to in paragraph (1)—

(A) all rights to any prepayment of the mortgage; and (B) all rights to any voluntary termination of the mortgage insurance contract for the mortgage; and

(3) the owner of the project has entered into binding commitments (applicable to any subsequent owner) to extend all low-income affordability restrictions imposed because of any contract for project-based assistance for the project.

(c) *Projects with section 8 project-based assistance.*—A project meets the requirements under this subsection only if—

(1) the project is subject to a contract for project-based assistance; and (2) the owner has entered into binding commitments (applicable to any subsequent owner) to extend such assistance for a maximum period under

law and to extend any low-income affordability restrictions applicable to the project.

(d) *Projects purchased by residents.*—A project meets the requirements under this subsection only if the project—

(1) is or was eligible housing under LIHPRA of 1990; and (2) has been purchased by a resident council for the housing or is approved by HUD for such purchase, for conversion to homeownership housing as under LIHPRA of 1990.

(e) *Combination of assistance.*—Notwithstanding subsection (a), any project that is otherwise eligible for assistance with grant amounts under (b) or (c) and also meets the requirements of the (1) in either of the other subsections—that is, it is a 221(d)(3), 221(d)(5), or a 236 building, or, is subject to a contract for project-based assistance—will be eligible for such assistance only if it complies with all the requirements under the other subsection.

### Section 5. Grant amount limitation

The Secretary can limit grants to States based upon the proportion of such State's need compared to the aggregate need among all States approved for such assistance for such a fiscal year.

### Section 6. Matching requirement

(a) *In general.*—The Secretary of HUD cannot make a grant that exceeds twice the amount the State certifies that the State will contribute for a fiscal year, or has contributed since January 1, 1998, from non-Federal sources for preservation of affordable housing as described in Section 4(a).

(b) *Treatment of previous contributions.*—Any portion of amounts contributed after 1.1.98, that are counted for a fiscal year, may not be counted for any subsequent fiscal year.

(c) *Treatment of tax credits.*—Low Income Housing Tax Credits (LIHTC) and proceeds from the sale of tax-exempt bonds shall not be considered non-federal sources for purposes of this section.

### Section 7. Treatment of subsidy layering requirements

Neither section 6 or any other provision of this Act should prevent using the Low Income Housing Tax Credit in connection with housing assisted under this Act, subject to following Section 102(d) of the HUD Reform of 1989 and section 911 of the Housing and Community Development Act of 1992.

### Section 8. Applications

The Secretary shall provide for States to submit applications for grants under this Act with such information and certifications that are necessary.

### Section 9. Definitions

For this Act, the following definitions apply:

(1) *Low-income affordability restrictions.*—With respect to a housing project, any limitations imposed by regulation or agreement on rents for tenants of the project, rent contributions for tenants of the project, or income-eligibility for occupancy in the project.

(2) *Project-based assistance.*—Is as defined in section 16(c) of the U.S. Housing Act in 1937, except that such term includes assistance under any successor programs to the programs referred to in that section.

(3) *Secretary.*—Means the Secretary of the Department of Housing and Urban Development.

(4) *State.*—Means the States of the U.S., DC, Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the U.S.

Section 10. Gives the Secretary authority to issue any necessary regulations.

Section 11. Authorizes \$500,000,000 from 1999 through 2003 for grants under this Act.

TRIBUTE TO REVEREND AL SHARPTON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to a great civil rights leader and political figure, an outstanding individual who has devoted his life to his family and to serving the community, the Reverend Al Sharpton. Still in his early 40's, Sharpton for the past two decades has played a major role in virtually every significant movement for civil rights, empowerment, and social and economic justice.

Born October 3, 1954, to Alfred Sr. and Ada in Brooklyn, New York, Reverend Sharpton grew up in Brooklyn and Queens in a Black middle-class family. After his parents separated, Sharpton's mother became a domestic worker and raised him and his sister in the ghettos of Brooklyn. He attended public schools, graduating from Tilden High School in 1972. While at Tilden, young Sharpton distinguished himself. He served as vice-president of the Student Government Association, President of the Afro-American Club and Co-Editor of the school's newspaper, *The Gadfly*. He was also a member of the debating team, the Forum Club, and the Panel of Americans. Sharpton went on to Brooklyn College, majoring in contemporary politics, leaving after his sophomore year.

Sharpton began his ministry at the age of four. At that tender age, he preached his first sermon, "Let Not Your Heart Be Troubled," to hundreds at Washington Temple Church in Brooklyn. The legendary Bishop F.D. Washington was his mentor throughout his adolescent years. By age 9, Sharpton was licensed and ordained by Bishop Washington and appointed Junior Pastor of the 5,000 member Washington Temple congregation. The young minister also began preaching throughout the United States, Canada, and the Caribbean, as the "Wonder Boy Preacher." He made one tour with gospel great Mahalia Jackson.

Mr. Speaker, at age 12, Reverend Sharpton became interested in politics. He was mesmerized by Harlem Congressman Adam Clayton Powell, Jr. (D-NY). During Rev. Powell's New York trips, Sharpton would join his entourage, and in 1967 he formed the Youth Committee for Powell, to protest the Congressman's expulsion from the House of Representatives. At age 14, Sharpton became involved in the Greater New York chapter of the Southern Christian Leadership Conference (SCLC), founded by Rev. Dr. Martin Luther King, Jr. Sharpton was appointed Youth Director of the SCLC by Rev. Jesse L. Jackson and Dr. William A. Jones, Jr. His tasks were to organize youth to picket and demonstrate against discriminatory practices.

In November of 1993, Reverend Sharpton was appointed the National Director of the National Rainbow Coalition's Minister Division by Rev. Jesse L. Jackson, its President and Founder and Rev. Dr. Wyatt Tee Walker, Chairman of the Ministers Division. Sharpton serves in this position as he continues as president of National Action Network.

Reverend Sharpton's political career has challenged the New York political establishment.

In 1992, running for the U.S. Senate in the Democratic primary against three formidable